

AN ORDINANCE **98643**

AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,701,297.40 TO TICOR TITLE COMPANY AS ESCROW AGENT FOR THE FEE SIMPLE PURCHASE OF THREE PARCELS TOTALING 286.906 ACRES AND A TRANSFER OF AN ADDITIONAL FORTY (40) ACRES OF LAND AT NO COST WITH ALL PARCELS LOCATED IN BEXAR COUNTY, TEXAS, UNDER THE AUSPICES OF THE PROPOSITION THREE EDWARDS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING PAYMENT IN THE AMOUNT OF \$37,010.87 TO THE BEXAR LAND TRUST FOR SERVICES IN NEGOTIATING, INVESTIGATING AND PURCHASING SAID PROPERTY; AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE CONTRACT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT VOTES.

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WHEREAS, under Proposition 3 of the election held on May 6, 2000, the voters of San Antonio approved an increase in the sales tax to fund the purchase of new parkland in the Edwards Aquifer zones as well as linear parks along Leon Creek and Salado Creek; and

WHEREAS, the ordinance authorizing that election also created the Conservation Advisory Board (CAB) and the Scientific Evaluation Team (SET) to advise the City Council on purchases of property under the program; and

WHEREAS, the SET created a GIS model composed of forty-three (43) different layers of information that take into consideration the hydrogeology, watersheds, and biology over northern Bexar County; and

WHEREAS, the CAB, using that model, has now identified a certain parcel of land for purchase and has voted to recommend purchase of this parcel; and

WHEREAS, the Planning Commission reviewed this purchase and recommended the purchase of this property; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. The City Manager, or her designee, is hereby authorized to execute an assignment agreement with Bexar Land Trust assigning a real estate contract for the purchase of a certain 286.91 acres of land more or less, located in Bexar County Texas, for a purchase price of \$3,701,087.00 along with a donation of 40 acres at no cost.

Section 2. The City Manager, or her designee, is hereby authorized to execute any necessary documents to close said purchase and acceptance.

Section 3. The amount of \$2,887,754.62 is appropriated in fund 29-028001, Linear Parks Projects, in index code 932814, entitled Transfer to 41-028002 Parks Development & Expansion. The amount of \$2,887,754.62 is authorized to be transferred from fund 29-028001 to fund 41-028002.

Section 4. The budget in fund 41-028000, Parks Development Expansion Commercial Paper Fund, shall be revised by increasing index code 114637, entitled Transfer from 29-028001 (41-028002) by the amount of \$2,887,754.62.

Section 5. The budget in fund 41-028095, Parks Development Expansion Commercial Paper Fund, shall be revised by reducing index code 684837, entitled Unallocated Appropriations, by the amount of \$871,613.65.

Section 6. The amount of \$3,701,087.40 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674978, entitled Land Acquisition, and is authorized to be encumbered and made payable to Ticor Title Company, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

Section 7. The amount of \$37,010.87 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 685321, entitled Negotiation Fee, and is authorized to be encumbered and made payable to Bexar Land Trust, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

Section 8. The amount of \$3,060.00 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674937, entitled Environmental Assessment, and is authorized to be encumbered and made payable for environmental assessment, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

Section 9. The amount of \$13,000.00 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674952, entitled Surveying, and is authorized to be encumbered and made payable for surveying, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

Section 10. The amount of \$5,000.00 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674911, entitled Appraisals, and is authorized to be encumbered and made payable for appraisal, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.


Section 11. The amount of \$210.00 is appropriated in Fund 41-028002, Parks Development Expansion Commercial Paper Fund, in Index Code 674929, entitled Closing Costs, and is authorized to be encumbered and made payable to Ticor Title Company, in connection with the Proposition Three Edwards Land Acquisition and Park Expansion Project.

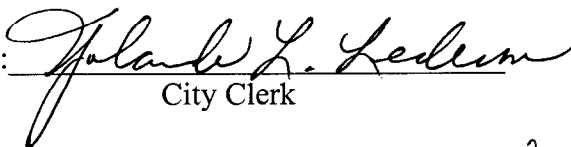
Section 12. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

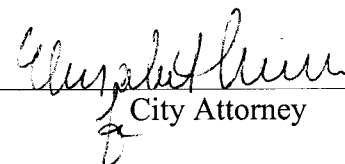
Section 13. Any payments authorized under this ordinance necessary to be paid through the closing process may be made payable to Ticor Title Company as escrow agent for the closing of this real estate purchase transaction.

Section 14. Pursuant to and for the purpose of complying with Article II, Section 15 of the City's Charter, this ordinance is hereby passed as an emergency measure and shall be effective immediately upon passage by eight (8) or more affirmative votes for the preservation of public peace, property, health or safety, otherwise the same shall take effect on the tenth day after the date of its passage by the City Council.

PASSED AND APPROVED this 18th day of December, 2003.


M A Y O R
EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney